

DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration

14 CFR Part 91

[Docket No. 20813, Amdt. No. 91-170A]

Aircraft Operating Noise Limits for Airplanes Operating Under New Part 125; Amended Date of Designation of Applicable Rules

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; Request for comments.

SUMMARY: On October 9, 1980, the FAA published its final rule (Amendment No. 91-170) concerning the operating noise limits rule for certain aircraft operated under new Part 125, which becomes effective February 1, 1981 (45 FR 67258). That rule designates the provisions of the noise rule that apply to particular airplanes on a specified date before Part 125 becomes effective. The date of November 1, 1980, was used because the proposed amendments to the aircraft operator noise rule that are required to implement Title III of the Aviation Safety and Noise Abatement Act of 1979 (Notice No. 80-7) were scheduled to be effective before that date and must be reflected in the noise requirements for those affected airplanes operated under Part 125. However, issuance of those amendments has been delayed and, the date of November 1, 1980, is no longer viable to achieve the intended result. This action amends the date of designation of applicable rules in new § 91.302, adopted in Amendment No. 91-170 to read "Nov. 29, 1980," the day after the amendments to Subpart E of Part 91 implementing Title III of the Aviation Safety and Noise Abatement Act of 1979 became effective.

DATES: Effective date—February 1, 1981. Comments must be received on or before March 1, 1981.

ADDRESSES: Send comments on the rule in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 20813, 800 Independence Avenue, SW., Washington, DC 20591; Or deliver comments in duplicate to: FAA Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, DC.

Comments may be examined in the Rules Docket, weekdays except Federal Holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Richard N. Tedrick, Noise Policy and Regulatory Branch (AEE-110), Noise

Abatement Division, Office of Environment and Energy, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591; telephone (202) 755-9027.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, comments are invited on the rule. It involves amendments to the provisions that designate applicable rules under § 91.302 to achieve the intended effect discussed in the preamble to Amendment No. 91-170; thus, it was not preceded by further notice and public procedure. When the comment period ends, the FAA will use any comments received, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule.

Since the subjects and issues involved in this amendment, were already subject to notice and public procedure on the proposed rule, and this amendment is necessary to achieve the regulatory effects contemplated at the time of issuance of the final rule, I find that further notice and public procedure before issuing this amendment is not necessary.

Adoption of the Amendment

Accordingly, § 91.302 of Part 91 of the Federal Aviation Regulations (14 CFR Part 91) as adopted in Amendment 91-170 (45 FR 67259; October 2, 1980), is amended, effective February 1, 1981, by deleting the words "November 1, 1980," in each place they appear and by substituting for them the words "November 29, 1980,"

(Secs. 307, 313(a), 601, 603, 604, and 611, Federal Aviation Act of 1958, as amended (49 U.S.C. 1348, 1354(a), 1421, 1423, 1424, and 1431); sec. 6(c), Department of Transportation Act (49 U.S.C. 1055(c)); Title III, Aviation Safety and Noise Abatement Act of 1979 (94 Stat. 50))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 28, 1979). Since this regulatory action involves amendments that are corrective and editorial

in nature and are needed to achieve the substance of the regulation contemplated under the final rule, the anticipated impact is so minimal that it does not warrant preparation of a separate regulatory evaluation.

Issued in Washington, DC, on November 17, 1980.

Langhorne Bond,
Administrator.

[FR Doc. 80-36522 Filed 11-28-80; 8:45 am]

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14 CFR Part 91

[Docket No. 20251; Amdt. No. 91-171]

Operating Noise Limits for Certain Turbojet Airplanes Engaged in Domestic or Foreign Air Commerce in the United States

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the operating noise limits rule for airplanes engaged in United States domestic or foreign air commerce. That rule applies to operators of civil subsonic turbojet powered airplanes having maximum weights of more than 75,000 pounds and standard airworthiness certificates or their equivalents. Those aircraft, whether of U.S. or foreign registry, are required to comply with at least "Stage 2 noise levels" under Part 36 of the Federal Aviation Regulations in order to be operated to or from airports in the United States after specified dates. The Administrator intends to accept certain demonstrations of noise level compliance under portions of ICAO Annex 16 noise standards that are found to be substantially compatible with, and achieve results equivalent to those achievable under, Part 36 noise requirements. These amendments are adopted under § 611 of the Federal Aviation Act of 1958, as amended, to reflect Title III of the recently enacted Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96-193; 94 Stat. 50).

These amendments apply to foreign operators the same noise level requirements applied to U.S. operators and generally require final compliance by 1985. Statutory extensions of the compliance dates under specified terms and conditions are also implemented for both U.S. and foreign operators. Those statutory provisions provide an additional incentive to replace noncomplying two-engine and three-engine airplanes with the quieter "Stage 3 airplanes" and limited exemptions for two-engine airplanes to protect air